

## REMARKS

Claims 1-26 are pending. Claims 1-26 are rejected. Claims 1, 13, and 20 have been amended. No new matter has been added.

### 35 U.S.C. 101 Rejections

Claims 20-26 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter, for not being limited to tangible embodiments. In part, the present rejection suggests that the computer readable medium of Claims 20-26 is not limited to tangible embodiments, per the pending application's disclosure. Applicants respectfully disagree, and contend that the pending application limits the nature of the computer readable medium. See, for example, p. 14, ln. 14-21, which states in part:

The data is represented as physical (electronic) quantities within the computer system's registers and memories and is transformed into other data similarly represented as physical quantities within the computer system memories or registers or other such information storage, transmission, or display device.

Applicants respectfully assert that Claims 20-26 overcome the basis for rejection under 35 U.S.C. 101, and request that this rejection be withdrawn.

### 35 U.S.C. 103(a) Rejections

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being obvious over Deverill, U.S. Publication 2003/0014464, in view of Rakoshitz, U.S. Patent No. 6,578,077.

The Examiner is respectfully directed to independent Claim 1, which, as amended, recites that an embodiment of the present invention is directed to:

A method for monitoring electronic commerce transactions, said method comprising the computer-implemented steps of:  
determining network transport latency;  
determining application test latency for a select, granular subset of tasks associated with said electronic commerce transactions; and  
indicating said network transport latency and said application test latency on a display.

Claims 13 and 20 recite similar limitations. Claims 2-12 are dependent upon Claim 1, and recite additional features of the claimed invention. Claims 14-19 are dependent upon Claim 13, and recite additional features of the claimed invention. Claims 21-26 are dependent upon Claim 20, and recite additional features of the claimed invention.

The rejection suggests that Deverill discloses determining application test latency. Applicants respectfully assert that Deverill fails to disclose determining application test latency for a select, granular subset of tasks associated with electronic commerce transactions, as claimed. Specifically, the cited portions of Deverill, i.e. ¶ 12, discuss measuring the processing time for a transaction to pass through a system. Deverill does not discuss using a select, granular subset of tasks associated with an electronic commerce transaction.

Rakoshitz fails to remedy this defect with Deverill, as Rakoshitz also does not disclose determining application test latency for a select, granular subset of tasks associated with electronic commerce transactions, as claimed. Accordingly, Deverill, alone or in combination with Rakoshitz, fails to anticipate or render obvious the embodiments of the present invention recited in Claims 1, 13, and 20.

Therefore, the Applicants respectfully submit that the claimed embodiments of the invention as set forth in Claims 1, 13, and 20 are in condition for allowance. Accordingly, the Applicants also respectfully submit that Claims 2-12, dependent on Claim 1, Claims 14-19, dependent on Claim 13, and Claims 21-26, dependent on Claim 20, overcome the basis for rejection under 35 U.S.C. 103(a), as they are dependent on allowable base claims.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

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Kevin A. Brown  
Reg. No. 56,303  
Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060